

# EXHIBIT A



**Service of Process  
Transmittal**

01/27/2020

CT Log Number 537061084

**TO:** Timothy Horn  
Whole Foods Market, Inc.  
550 Bowie St  
Austin, TX 78703-4644

**RE: Process Served in New York**

**FOR:** Whole Foods Market Group, Inc. (Domestic State: DE)

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

**TITLE OF ACTION:** JEAN A. METZKER, Pltf. vs. WHOLE FOODS MARKET GROUP, INC., Dft.

**DOCUMENT(S) SERVED:** Letter, Summons, Complaint, Notice, Attachment

**COURT/AGENCY:** New York County: Supreme Court, NY  
Case # 1622152019

**NATURE OF ACTION:** Personal Injury - Failure to Maintain Premises in a Safe Condition - 01/13/2018

**ON WHOM PROCESS WAS SERVED:** C T Corporation System, New York, NY

**DATE AND HOUR OF SERVICE:** By Certified Mail on 01/27/2020 postmarked: "Not Post Marked"

**JURISDICTION SERVED :** New York

**APPEARANCE OR ANSWER DUE:** Within 20 Days After Receiving This Summons, Exclusive Of The Day Of Service

**ATTORNEY(S) / SENDER(S):** Briana M. Longo, Esq.  
STEFANO A. FILIPPAZZO, P.C.  
16 Court Street, 28th Floor  
Brooklyn, NY 11241  
718.855.1350

**ACTION ITEMS:** CT has retained the current log, Retain Date: 01/27/2020, Expected Purge Date: 02/01/2020

Image SOP

Email Notification, Email Process SOP@WHOLEFOODS.COM

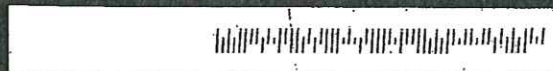
Email Notification, Jay Warren jay.warren@wholefoods.com

Email Notification, Timothy Horn timothy.horn@wholefoods.com

**SIGNED:** C T Corporation System

**ADDRESS:** 1999 Bryan Street  
Suite 900  
Dallas, TX 75201

**For Questions:** 866-665-5799  
SouthTeam2@wolterskluwer.com



State of New York - Department of State  
Division of Corporations

Party Served:  
WHOLE FOODS MARKET GROUP, INC.

Plaintiff/Petitioner:  
METZKER, JEAN A

C T CORPORATION SYSTEM  
28 LIBERTY ST.  
NEW YORK, NY 10005

Dear Sir/Madam:

Enclosed herewith is a legal document which was served upon the Secretary of State on 12/31/2019 pursuant to SECTION 306 OF THE BUSINESS CORPORATION LAW.

This copy is being transmitted pursuant to such statute to the address provided for such purpose.

Very truly yours,  
Division of Corporations



**FILED: NEW YORK COUNTY CLERK 12/18/2019 11:30 AM**

INDEX NO. 162215/2019

NYSCEF DOC. NO. 1

RECEIVED NYSCEF: 12/18/2019

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X

JEAN A. METZKER,

Plaintiff,

-against-

WHOLE FOODS MARKET GROUP, INC.,

Defendant.

-----X

Index No.:

Date Purchased:

Plaintiff designates:

NEW YORK County as

the place of trial.

The Basis of Venue:

CPLR 509

**SUMMONS**

Plaintiff resides at:

375 East 26<sup>th</sup> Street

New York, New York

To the above-named Defendants

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the plaintiff's attorney(s) within 20 days after the service of this Summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: Brooklyn, New York  
December 18, 2019

Yours etc.,

STEFANO A. FILIPPAZZO, P.C.



By: Briana M. Longo, Esq.

Attorneys for Plaintiff

16 Court Street, 28<sup>th</sup> Floor

Brooklyn, New York 11241

P: 718.855.1350

**Service List:**

- WHOLE FOODS MARKET GROUP, INC. - Secretary of State.

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RECEIVED NYSCEF: 12/18/2019

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X  
JEAN A. METZKER,

Index No.:

Plaintiff,

-against-

WHOLE FOODS MARKET GROUP, INC.,

**COMPLAINT**

Defendant.  
-----X

Plaintiff by her attorneys, STEFANO A. FILIPPAZZO, P.C.,  
complaining of the Defendant, respectfully alleges the following  
upon information and belief:

**BACKGROUND**

1. That at all time herein mentioned the Plaintiff was  
and still is a resident of the County of New York, State of New  
York.

2. That at all times hereinafter mentioned the Defendant,  
WHOLE FOODS MARKET GROUP, INC. was and still is a foreign  
business corporation authorized to conduct business in the State  
of New York.

3. That Defendant, WHOLE FOODS MARKET GROUP, INC.  
maintains an office for the conducting of its business in the  
County of New York.

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INDEX NO. 162215/2019

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**AS AND FOR A FIRST CAUSE OF ACTION**

4. Plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs "1" through "3" inclusive, as if hereinafter set forth at length.

5. That on January 13, 2018 the Defendant WHOLE FOODS MARKET GROUP, INC. was the owner of the premises denominated 4 Union Square E., New York, New York (hereinafter referred to as "THE PREMISES").

6. That on January 13, 2018 the Defendant WHOLE FOODS MARKET GROUP, INC. was the lessor of THE PREMISES.

7. That on January 13, 2018 the Defendant WHOLE FOODS MARKET GROUP, INC. was the lessee of THE PREMISES.

8. That on January 13, 2018 the Defendant WHOLE FOODS MARKET GROUP, INC. maintained THE PREMISES.

9. That on January 13, 2018 the Defendant WHOLE FOODS MARKET GROUP, INC. controlled THE PREMISES.

10. That on January 13, 2018 the Defendant WHOLE FOODS MARKET GROUP, INC. operated THE PREMISES.

11. That on January 13, 2018 while the Plaintiff was lawfully within THE PREMISES, she was caused to sustain severe personal injuries as a result of negligence on the part of this Defendant.



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INDEX NO. 162215/2019

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12. That the incident complained of was caused by reason of the carelessness, recklessness, negligence on part of this Defendant, its agents, servants and/or employees in the ownership, maintenance, operation management and control of THE PREMISES, in that this Defendant failed to provide Plaintiff with a safe place to walk; in that this Defendant caused the very incident complained of which was foreseeable; in that this Defendant created said dangerous conditions; in that this Defendant had notice of the dangerous and defective conditions; in that this Defendant failed to remedy said dangerous conditions; in that this Defendant was otherwise careless and negligent.

13. That as a result of the foregoing Plaintiff sustained severe and painful bodily injuries and shock, was rendered and continues to be sick, sore, lame and disabled and Plaintiff's injuries will be permanent. Plaintiff has incurred and will incur in the future considerable expenses for medical and hospital care and treatment and has been prevented from attending her occupation causing a loss of past and future earnings.

14. That no negligence on the part of the Plaintiff contributed to the occurrence alleged herein in any manner whatsoever.



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INDEX NO. 162215/2019

NYSCEF DOC. NO. 1

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15. This action falls within one or more of the exceptions set forth in Article 16 of the Civil Practice Law and Rules.

16. That as a result of the foregoing, Plaintiff has been damaged in a sum exceeding the jurisdictional limits of all lower courts.

**WHEREFORE** the Plaintiffs demand judgment against the Defendant WHOLE FOODS MARKET GROUP, INC. in the First Cause of Action in the sum exceeding the jurisdictional limits of all lower courts; together with the costs, disbursements and expenses of this action and for such other and further relief as may be just and proper.

Dated: Brooklyn, New York  
December 18, 2019

Yours, etc.,  
STEFANO A. FILIPPAZZO, P.C.



By: Briana M. Longo, Esq.  
**Attorneys for Plaintiff**  
16 Court Street, 28<sup>th</sup> Floor  
Brooklyn, New York 11241  
P: 718.855.1350

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK**

-----X  
JEAN A. METZKER,

Plaintiff/Petitioner,

- against -

Index No. 162215/2019

WHOLE FOODS MARKET GROUP, INC.,

Defendant/Respondent.  
-----X

**NOTICE OF ELECTRONIC FILING  
(Mandatory Case)  
(Uniform Rule § 202.5-bb)**

**You have received this Notice because:**

1) The Plaintiff/Petitioner, whose name is listed above, has filed this case using the New York State Courts E-filing system ("NYSCEF"), and

2) You are a Defendant/Respondent (a party) in this case.

● **If you are represented by an attorney:**

Give this Notice to your attorney. (Attorneys: see "Information for Attorneys" pg. 2).

● **If you are not represented by an attorney:**

**You will be served with all documents in paper and you must serve and file your documents in paper, unless you choose to participate in e-filing.**

**If you choose to participate in e-filing, you must have access to a computer and a scanner or other device to convert documents into electronic format, a connection to the internet, and an e-mail address to receive service of documents.**

**The benefits of participating in e-filing include:**

- serving and filing your documents electronically
- free access to view and print your e-filed documents
- limiting your number of trips to the courthouse
- paying any court fees on-line (credit card needed)

**To register for e-filing or for more information about how e-filing works:**

- visit: [www.nycourts.gov/efile-unrepresented](http://www.nycourts.gov/efile-unrepresented) or
- contact the Clerk's Office or Help Center at the court where the case was filed. Court contact information can be found at [www.nycourts.gov](http://www.nycourts.gov)

To find legal information to help you represent yourself visit [www.nycourthelp.gov](http://www.nycourthelp.gov)

**Information for Attorneys  
(E-filing is Mandatory for Attorneys)**

An attorney representing a party who is served with this notice must either:

1) immediately record his or her representation within the e-filed matter on the NYSCEF site [www.nycourts.gov/efile](http://www.nycourts.gov/efile) ; or

2) file the Notice of Opt-Out form with the clerk of the court where this action is pending and serve on all parties. Exemptions from mandatory e-filing are limited to attorneys who certify in good faith that they lack the computer hardware and/or scanner and/or internet connection or that they lack (along with all employees subject to their direction) the knowledge to operate such equipment. [Section 202.5-bb(e)]

For additional information about electronic filing and to create a NYSCEF account, visit the NYSCEF website at [www.nycourts.gov/efile](http://www.nycourts.gov/efile) or contact the NYSCEF Resource Center (phone: 646-386-3033; e-mail: [efile@nycourts.gov](mailto:efile@nycourts.gov)).

Dated: December 18, 2019

**Briana M. Longo, Esq.**

Name

STEFANO A. FILIPPAZZO, P.C.

Firm Name

16 Court Street, 28th Floor

Brooklyn, New York 11241

Address

718-855-1350

Phone

E-Mail

To: See attached.

See attached.

6/6/18